

Notice of Allowability

Application No.

09/595,937

Examiner

Elaine Gort

Applicant(s)

MANNING, SERGE M.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's response filed 9/2/04.
2. ☒ The allowed claim(s) is/are 1-18, 43 and 44.
3. ☒ The drawings filed on 16 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 10 of the word "the" has been replaced with the word --an--.

In claim 3, line 2 the second occurrence of the word "the" has been replaced with the word --an--.

In claim 13, line 2 the first occurrence of the word "the" has been replaced with the word --a--.

In claim 13, line 2 the second occurrence of the word "the" has been replaced with the word --a--.

In claim 16, line 1 the third occurrence of the word "the" has been replaced with the word --an--.

In claim 17, line 3 the word "the" has been replaced with the word --a--.

In claim 18, line 4 the word --the-- has been omitted.

In claim 43, line 2 the first occurrence of the word "the" has been replaced with the word --a--.

In claim 43, line 2 the second occurrence of the word "the" has been replaced with the word --a--.

In claim 43, line 3 the first occurrence of the word "the" has been replaced with the word --an--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case is the inclusion of the claimed limitation of where only one start record and only one stop record are sent to an accounting server for a plurality of short data burst transmissions which are included in all the independent claims and which is not found in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

US Patent 6,405,251, inventor Bullard et al., which was commonly owned or subject to an obligation of assignment to the assignee of the instant application at the time the invention was made (see Applicant's arguments filed 9/2/04) discloses a method for aggregating data, but does not have claims that set forth one start record and only one stop record being sent to an accounting server for a plurality of short data burst transmissions.

US Patent 6,512,754, inventor Feder et al., discloses a method to optimize accounting records in a wireless/packet data network, but does not disclose the claimed


method which includes only one start record and only one stop record being sent to an accounting server for a plurality of short data burst transmissions as claimed.

3G Packet Data Accounting Requirements, author Lipford, discloses a method to optimize accounting records in a wireless/packet data network, but does not disclose the claimed method which includes only one start record and only one stop record being sent to an accounting server for a plurality of short data burst transmissions as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 703/308-6391. The examiner can normally be reached on Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703/305-3597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elaine Gort
Examiner
Art Unit 3627

October 15, 2004



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600